

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2009 has been entered. Claims 3-5 and 8 were cancelled. Claim 1 was amended. New claim 10 was added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

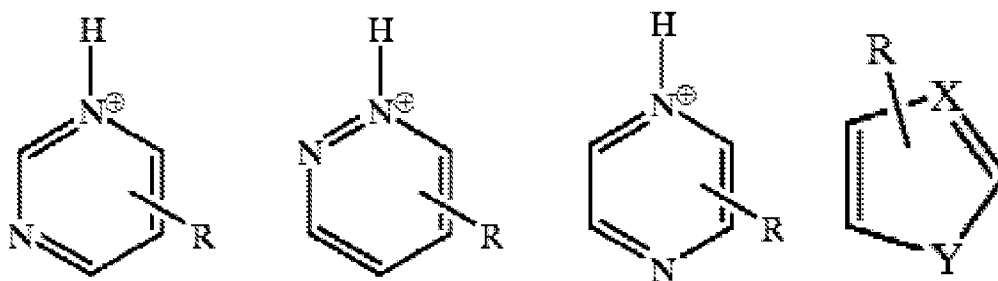
### ***Claim Rejections - 35 USC § 102***

3. In view of Applicant's canceling claims 3-5 and 8, the Examiner withdraws the previously set forth rejection of claims 3-5 and 8 under 35 U.S.C. 102(b) as anticipated by Kreur as detailed in the Office Action dated September 28, 2009.
4. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kreur et al. (hereinafter "Kreur") (U.S. Pat. No. 6,264,857).

Regarding claims 1 and 10, Kreur teaches a proton conductor (electrolyte material) comprising an acid and a nonaqueous amphoteric material (base (b))

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(see col. 2, lines 5-14). The acid acts as a Brønsted proton donor (Bronsted acid (a)) and is particularly preferred to be p-toluenesulfonic acid, methanesulfonic acid, or trifluoromethanesulfonic acid (see col. 2, lines 53-67). The nonaqueous amphoteric material may be one of the following structures (pyrimidine, pyridazine, pyrazine and imidazole having added groups):



where X = NH; Y = N; and R = CH, C<sub>2</sub>H<sub>5</sub> or CO<sub>2</sub>R', with R' = H or CH<sub>3</sub> (added groups with a total number of constitutional atoms other than H from one to three; hydrocarbon group with 3 or less carbon and oxygen atoms; carbonyl group; carboxyl group; nitro group).

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHAN ESSEX whose telephone number

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is (571) 270-7866. The examiner can normally be reached on Monday - Friday, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on (571) 272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJE

/Dah-Wei D. Yuan/  
Supervisory Patent Examiner, Art Unit 1795